

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Ohio

R. David Wolfe, on behalf of himself and all others

similarly situated

Plaintiff

v.

Morry Weiss, et al.

Defendant

Civil Action No. 1:12-cv-02776

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

IRVING I. STONE FOUNDATION

Agent/Registrant Information

Gary Weiss

One American Road

Cleveland, Ohio 44144

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Joel Levin, Esq.
Levin & Associates Co., L.P.A.
1301 East 9th Street, Suite 1100
Cleveland, Ohio 44114

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Geri M. Smith
CLERK OF COURT

Date: 01/25/2013

s/Shawn Harrigan

Signature of Clerk or Deputy Clerk



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Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Irving I. Stone Foundation
 was received by me on *(date)* 01/28/2013.

☐ I personally served the summons on the individual at *(place)* _____
 on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☒ Other *(specify)*: Certified Mail, Service by Clerk on 1/29/2013

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 01/30/2013

s/Barbara L. Birr

Server's signature

Deputy Clerk

Printed name and title

801 West Superior Avenue
Cleveland, Ohio 44113

Server's address

Additional information regarding attempted service, etc:

